

## **REMARKS**

The Applicants respond under 37 C.F.R. § 1.116 to the final Office Action of September 10, 2009.

Claims 1 through 12, 18, 20, and 21 are pending. No amendments are made by this response.

### **1. Obviousness-Type Double Patenting Rejection**

The Examiner rejects claims 1 through 11, 20, and 21 under the doctrine of obviousness-type double patenting. The Examiner rejected the previous Terminal Disclaimer because it was signed by counsel not identified on the original power of attorney.

Attached is a new terminal disclaimer signed by Dr. Frank Gerhards, the in-house patent counsel of the assignee, Bayer CropScience S.A. Dr. Gerhards is the authorized individual within the assignee's company authorized to sign the Terminal Disclaimer.

The fee of \$140 for the Terminal Disclaimer was authorized in the previous disclaimer to be charged to Deposit Account No. 15-0700. If this or any other fee is due, the fee may be charged to this deposit account.

This rejection is believed to be moot.

### **2. Entry of Art of Record**

The Examiner previously objected to a Form 1449 submitted with the original filing of the application as not including the cited foreign references. Reconsideration is requested.

The foreign references were cited in the International Search Report. Copies of these references should have been made available to the Patent Office by WIPO.

Regardless, a copy of the original Form 1449 is attached with copies of the four foreign references. Entry of the references is requested.

It is believed that a fee is not due because the four references should have been provided by WIPO. However, if a fee is due for this submission, it may be charged to Deposit Account No. 15-0700.

Favorable consideration is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul Grandinetti', written over a horizontal line.

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